



Benton County Planning Board

Public Hearing

Technical Advisory Committee Meeting

May 16, 2012

MEETING MINUTES

PUBLIC HEARING

Meeting convened at 6:00pm

Roll Call: Present: Lane Gurel, Jim Cole, John Pate, Starr Leyva and Mark Curtis.

Disposition of Minutes from 05/02/2012: Mark Curtis motioned to approve the minutes. Jim Cole seconded the motion. The minutes were unanimously approved.

General Public Comment: None

Old Business: None

New Business:

A. Ethan Ford, Variance/Lot line Adjustment, Project # 12-184—JP District 2, 8225 Old White River Rd., Rogers, AR ,72756

Represented by Ethan Ford (Owner) 8225 Old White River Road Rogers, AR 72756

Staff presented and indicated the applicant has provided staff with an updated site plan, and that the applicant has begun the process of combining the lots through the assessor's office. The applicant has also contacted the Health Department. Staff recommends that the variance and lot line adjustment may be approved with the following stipulations; that the applicant contact the health department in order to determine validity of shared septic line and provide staff with a letter of coordination. Also for the applicant to rename Lot 10, 10A and apply for one parcel number for both properties through the assessor's office.

The Board and applicant had no comments or questions. Mr. Jim Cole made a motion to approve the variance and lot line adjustment to include the following stipulations; that the applicant contact the health department in order to determine validity of shared septic line; the applicant rename Lot 10, 10A and apply for one parcel number for both properties through the Assessors office. Motion seconded by Mrs. Starr Leyva. Motion carried 4-0-1.

B. Crye-Leike, LSD, Project #12-185-JP District, 14566 Highway 12 East, Rogers, AR, 72756.

Represented by Chuck Gay (Principal Broker Crye-Leike) and Whitney Cox (Office Administrator Crye-Leike)

Staff presented their report and stated that the applicant has provided staff with an updated site plan that is completed and signed by a registered engineer and the applicant has provided a statement indicating that the parking lot will be graded and parking and handicap space dimensions with striping. Staff also recommended a waiver to the landscape buffer requirement due to the small scale nature of the project and the similarities in use of surrounding businesses.

There was no public comment and the applicant had no further questions.

Mr. Cole made a motion to approve the waiver of the landscape buffer requirement. The motion was seconded by Mrs. Leyva and the motion carried 5-0-0. Mr. Mark Curtis motioned to approve the project with the following stipulations that the parking lot will be graded and parking and handicap space dimensions with striping. The motion was seconded by Mr. Cole. The motion carried 5-0-0.

C. Allen's Country Plant Addition, LSD, Project # 12-175—JP District 13, 14961, Readings Road, Siloam Springs, AR, 72761.

Represented by Jeff Bates with Bates & Associates (Engineer) and Dave Burris with Mangold Burris Architecture (Architect)

Staff presented their report which stated that the applicant has requested a waiver for landscape buffer. Staff recommends approval of the project with the following stipulations; the applicant submits a lot combination plat for approval by the Planning Board; the request for a setback variance should be formally dropped; that a building permit shall not be issued until lot combination is approved by Planning Board; waiver for 68 parking spaces should be a stipulation of the approval. Staff encourages the applicant to pursue the Highway 412 acceleration lane at Fairmount Road and to work with County Road Department on possible construction of a passing lane along Readings Road at the main truck entrance.

As part of Public Comment Bartina Springer of 14620 Readings Road, Siloam Springs AR., stated that she had a problem with trucks blocking Readings Road by the plant and also pulling out in front of her. She also said that the trucks will pass her on the road going 70 miles an hour trying to get to work on time. She stated that the trucks will stick out in the middle of the road blocking the road and that the drivers are standing around visiting because they are waiting for the gate to open. Mr. Dave Burris with Mangold Burris Architecture stated that the increased truck traffic is due to the increased production that was done on a previous project and not due to the current project of increased storage space. Mr. Burris also stated that they are increasing the amount of truck docks and these docks will be on the other side of the building which will alleviate some of the congestion. The applicants stated that they will speak with Allen's about these road problems and that Allen's was very concerned about their neighbors and was sure they would address these issues. Chairman Gurel asked the applicants and Mrs. Springer to speak with Allen's about the problems on the roads and if the problem still persists to speak with the Benton County Sheriff's Department about parking and blocking the road. Chairman Gurel also asked Mrs. Springer to come back to the next Planning Board Meeting and let them know if she was still having these problems.

Mr. Cole made a motion to waive the landscape buffer requirement. Motion seconded by Mr. Curtis. Motion carried 5-0-0. Mr. Cole made a motion to waive the parking requirement of 68 spaces. Motion was seconded by Mr. Curtis. Motion carried 5-0-0. Mr. Curtis made a motion to approve the project with the following stipulations; that the applicant submits a lot combination plat for approval by the Planning Board; and that the request for a setback variance should be formally dropped; that a building permit shall not be issued until lot combination is approved by Planning Board. And that the Planning Board very strongly encourages the applicant to pursue the Highway 412 acceleration lane at Fairmount Road and to work with County Road Department on possible construction of a passing lane along Readings Road at the main truck entrance. Motion was seconded by Mr. Cole. Motion carried 5-0-0.

D. Downtown Towing, LSD, Project # 12-180—JP District 13, 21819 Meadow Wood Dr., Siloam Springs, AR, 72761.

Represented by Jill Lewis (Owner) 21819 Meadow Wood Dr. Siloam Springs, AR 72761

Staff presented and stated that the applicant has provided staff with a letter of coordination with the Siloam Springs Fire Department, a letter from Siloam Springs Electric indicating that the security light has been modified, a landscape site plan indicating plantings which would screen the cars in the lot, and a statement indicating that oil drip pans will be placed in the towing lot to catch any hazardous materials which may leak from wrecked vehicles. The applicant requests (1) one waiver from the required survey. Staff recommends approval of the current use of a temporary holding lot by Downtown Towing with the following stipulations. 1. A storm water mitigation plan and a landscape buffer are established. 2. Hours of operation are restricted to M-Su from 6:00 a.m. to 11:00 p.m. not including holidays. 3. That the applicant provides adequate measures to mitigate any contamination of storm water runoff. 4. That a perimeter fence 8 ft. or taller should be placed at the south west property line. 5. And that the Planning Board defines a time line for screening and nuisance mitigation measures are to be completed.

Chairman Gurel brought up the relevance of the Benton County Ordinance No. 0-2004-33 and felt that there was no way the lot could adequately be screened according to the ordinance from all neighbors due to that location of the lot.

Mrs. Jill Lewis stated that the lot sits in a hollow and her neighbors' property sits above it and there is no way they can completely screen it. Mrs. Lewis stated that she does have a flat area in the upper portion of her property by the house that could possibly be used for the lot that may allow for complete screening of the lot.

Mr. Christopher Ryan explained that Planning Department has been trying to stay within the spirit of the ordinance with the landscape recommendations in mind and that the Planning Department will work with the applicant to complete a photo representation of what the landscaping will look like once it is installed. They can show this with the current location of the lot and in the upper flat area of land close to the house that the applicant currently occupies.

Chairman Gurel felt that the project fell into the jurisdiction of the ordinance in that it is storing vehicles and that the ordinance does not give a time frame. Mr. John Pate stated that he felt that

it was the wrong type of business for a predominantly residential neighborhood. Mr. Gurel agreed but felt that it is absolutely needed and a legitimate business. Mr. Cole noted that in the Ordinance it seemed the temporary storage lot fell into the automotive graveyard he noted that they clearly were not an automotive graveyard and agreed that the ordinance does not state a time frame in it. Mrs. Leyva noted that on the ordinance she did not see a time frame at all with regard to vehicle storage.

Mr. Anthony Wind of 1800 Ridgeway Lane, Siloam Springs, AR, stated that he has several chief concerns, the first being is the valuation of adjacent properties, "Land does not come cheap in Meadow Wood Acres." Mr. Wind stated the black tow truck is usually parked in a carport on the property, but the white one is very often parked at the corner of Ridgewood and Meadow Wood so close to the road that the end of the vehicle infringes on the actual right of way. Mr. Wind also spoke to the light issue in that when the leaves are off of the trees the light shines right into their home. As to that issue being resolved he has not seen it yet. And on the last concern there are a lot of children and walkers in the neighborhood and the crossroads of Meadow Wood and Ridgeway is used for a turnaround point for the school bus and with the white truck being parked there, it is in the way.

Mrs. Lewis stated that the white truck that Mr. Wind was speaking of does not belong to Downtown Towing that the truck belongs to her father-in-law and she will speak to him about parking at the corner.

The applicant felt it was unconstitutional for the Board to tell her what she can do with her lot when her property taxes are going up. She stated that it doesn't make sense to her that she is trying to comply and do what is asked of her. Chairman Gurel suggested that the applicant may wish to table and to get with staff to work on the screening issues. The applicant chose to table the project until the June 6th, Planning Board Meeting.

The Board was not convinced that the applicant could meet minimum standards for nuisance abatement including in the provisions of Benton County Ordinance No. O-2004-33 which can inform the Board's mitigation analysis for this project. The project was tabled until the June 6th, 2011 Planning Board Meeting to allow the applicant to respond.

TECHNICAL ADVISORY COMMITTEE

Call to Order:

Old Business:

A. Greenstone Estates, Project Final Plat # 11-145-JP District 10, Hwy 72 W., Bentonville, AR, 72712

Represented by Ken Booth of, Sand Creek Engineering

Staff presented their report and stated that the applicant must submit Covenants and Restrictions for review by staff. Staff also recommends moving the Final Plat for Greenstone Subdivision, Lots 2 through 48 to the June 6 Public Hearing for approval. Chairman Gurel asked the applicant

to go over the history of the project. The applicant explained that it had previously gone through preliminary and final plat approval and that it had never been filed and that is why it is a current agenda item today.

Chairman Gurel asked the applicant to show where the gravel access is to some of the lots and the location of the overhead power lines. The applicant showed the locations on the map and explained that the gravel access roads had been a requirement of the Fire Department. Chairman Gurel stated he had issues with the gravel road access to some of the lots and felt there were safety issues with this. Mr. Curtis stated that this was safe and a requirement of the fire department and that it had passed preliminary and final before and that it would be difficult to impose something else now.

The Board and Applicant had no further comments or questions. Chairman Gurel asked the applicant to respond to staff comments that the applicants submit Covenants and Restrictions for review by staff, and return to the next Planning Board Meeting of June 6th for Public Hearing.

New Business:

A. Night Hawk Custom Training, LSD, Project # 12-187, -JP District 9, 2106 W.

Represented by Jon Hodoway of, 100 John Lane Rogers AR

Staff presented and stated that the applicant revise the site plan, provide a parking analysis, identify solid waste plan, and identify emergency vehicle access. Staff stated the Board may wish the applicant to address the hours of operation to limit duration of activity and provide neighboring properties with some relief and predictability. Staff said that the applicant should submit a report indicating how the range meets or exceeds current guidelines developed by the NRA for gun range design and operation. Staff stated that the Board may wish to retain an independent consultant to confirm compliance, and that the applicant should submit proof of adequate liability insurance for the range. They also said that the applicant should provide a statement regarding compliance with all local, state, and federal environmental laws in regard to hazardous materials deposited on the site. Staff recommends that the fee waiver request be denied. Finally staff recommends that the application be moved to public hearing once these items are addressed.

Mr. Jon Hodoway described the operation of the business as requested by Mr. Cole. He stated that the shooters at the range are supervised at all times and that the range is private and not open to the general public for shooting and that the business was geared toward law enforcement and civilian groups such as training classes and shooting associations. He spoke to the hours of operation being from 8:00 am to 12:00 noon. He noted that most activities are on the weekends and they are from sun up to sundown. Mr. Curtis asked the applicant to comment on the lead with the spent bullets. Mr. Hodoway stated that lead, in its natural state if. It is in the dirt. He stated that he uses red clay and that the clay surrounds and encapsulates the lead. If after 5 years, when they evaluate using a lead test, if there is enough there, they will take it away. Mr. Hodoway stated that they do collect the brass casings and sell them for scrap metal.

Chairman Gurel stated that the Board may wish to retain an independent consultant to confirm compliance as to how the range meets or exceeds current guidelines developed by the NRA for gun range design and operation. Chairman Gurel asked the applicant to respond to the following staff comments that the applicant revise the site plan and provide parking analysis, identify solid waste plan and identify emergency vehicle access, the applicant address the hours of operation to limit duration of activity ,submit a report indicating how the range meets or exceeds current guidelines developed by the NRA for gun range design and operation, submit proof of adequate liability insurance for the range, and provide a statement regarding compliance with all local, state, and federal environmental laws in regard to hazardous materials deposited on the site and return to the next Planning Board Meeting of June 6th for Public Hearing.

B. Advanced Builders, LSD, Project #12-188, JP District 1, 15760 HWY 12 E, Rogers, AR, 72757.

Represented by Tom Wiechman, (Owner) of Advanced Builders, Rogers, AR, and David Platz (Surveyor) with WR Consulting Bentonville, AR.

Staff presented and stated that the applicant needs to revise both site and property line plans, and provide a list of acceptable commercial uses for future tenants. They are also to indicate the parking lot surface, including any new curb cuts or gutters and striping, applicant shall indicate landscaping on the site plan as well, staff needs updated information from the Health Department about the capacity of the current septic system to service the expanded square footage of proposed addition.

Chairman Gurel asked the applicant to describe what he wanted to use the warehouse for. Mr. Tom Wiechman stated he wanted to use the warehouse to store granite and that it was construction related. Chairman Gurel asked the applicant if it was for his own use or if he was going to lease it. Mr. Wiechman stated it was for leasing it out. Mr. Curtis asked the applicant to describe what the rest of the existing buildings are being used for. Mr. Wiechman stated there is an occupied home in the back and that the larger building is a boat repair and flea market. Mrs. Leyva asked the applicant if there is water to all three buildings and asked the applicant to show where the flowage easement is on the map. Mr. Wiechman stated there is water to all three buildings and he showed where the flowage easement was on the map.

Chairman Gurel asked the applicant to respond to staff comments that the applicant needs to revise both site and property line plans, provide a list of acceptable commercial uses for future tenants, to indicate the parking lot surface with any new curb cuts or gutters and striping, indicate landscaping on the site plan, also staff needs updated information from the Health Department about the capacity of the current septic system to service the expanded square footage of proposed addition and return to the next Planning Board meeting of June 6th for Public Hearing.

Staff Updates: None

The meeting was adjourned at 9:15 pm.